

**MINUTES OF THE
SECOND REGULAR MEETING OF THE
2001 REAPPORTIONMENT COMMISSION**

**May 29, 2001
2:00 p.m.**

**Hawaii State Capitol
Room 329
Honolulu, Hawaii**

Commissioners in Attendance:

Mr. Deron K. Akiona
Mr. Richard R. Clifton
Ms. Jill E. Frierson
Ms. Lori J.G. Hoo
Mr. Lynn C. Kinney
Mr. Kenneth T.G. Lum
Mr. Harold S. Masumoto
Mr. David W. Rae

Technical Support Staff in Attendance:

Mr. Dwayne D. Yoshina, Office of Elections
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff
Mr. Strather Ing, Office of Elections/Reapportionment Staff
Mr. Scott Nago, Office of Elections
Ms. Keala Naluai, Office of Elections/Reapportionment Staff
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff
Mr. Rex Quidilla, Office of Elections
Ms. Robynn Yokooji, Office of Elections
Mr. Brian Aburano, Department of the Attorney General
Mr. Aaron Schulaner, Department of the Attorney General

Consultant Services Contractor:

Mr. Royce Jones, ESRI

Observers Present:

Mr. Pat Omandam, Honolulu Star-Bulletin
Mr. Ross Segawa
Mr. Bob Ogawa, Reapportionment Advisory Council
Mr. Larry Meacham, Common Cause Hawaii

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 2

Mr. Kevin Dayton, Honolulu Advertiser
Mr. Jim Hall, Reapportionment Advisory Council
Ms. Robin Loomis, League of Women Voters
Mr. Glen Takahashi
Mr. Leonard Narimasu
Mr. Jean Aoki, League of Women Voters
Mr. Mark Oto, House Speaker's Office
Mr. Doug Holdt, Carter & Burgess
Mr. Boyd Akase, Republican House Minority Office
Mr. Kevin Chang, Jim On & Beerman
Mr. Brad Stein, Carter & Burgess
Mr. Shelton Jim On, Hawaii Republican Party

I. Call to Order

Temporary Chairperson, Commissioner Richard Clifton, called the Second Regular Meeting of the 2001 Reapportionment Commission to order at 2:09 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

II. Approval of Minutes

Commissioner Jill Frierson moved to have the minutes of the First Regular Meeting of the 2001 Reapportionment Commission approved. Commissioner Kenneth Lum seconded the motion. The minutes were approved by a unanimous vote of the Commissioners in attendance.

PROCEEDINGS

III. Committee Reports

A. Committee on Rules and Procedures

The Committee reported that they have some materials that they would like to pass out to the rest of the Commission but would like to have some discussions with the Commission's legal counsel first, at the appropriate time.

Commissioner Clifton noted the desire to have a discussion with the Commission's legal counsel and, hearing no objection, the matter was deferred until the Executive Session.

B. Committee on the Selection of a Chairperson

The Committee reported that it had some legal questions that they would like to pose to the Commission's legal counsel regarding issues pertaining to the selection of the Commission's Chairperson.

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 3

Commissioner Clifton noted the desire to discuss legal questions with the Commission's legal counsel and, hearing no objection, the matter was deferred until the Executive Session.

IV. Administrative Matters

A. GIS Staff Services Status Report

Mr. Rosenbrock mentioned that they are gearing up for the Commissioners.

Mr. Rosenbrock reports that they have about 90% of the information on non-resident students from the institutes of higher education. They also have a count of the prison population from the Department of Public Safety. The Department of Defense will be providing information concerning military service members and their dependents by ZIP code on Friday. The Department of Defense indicated that it had a high degree of confidence in the information that it would be providing concerning military service members, but somewhat less confidence in the information concerning dependents.

B. Administrative Staff Services Status Report

There was no new information to report.

C. Reapportionment Subject Area Briefing

At the last meeting, the subject of single and multi-member districts was asked to be added onto today's agenda. After a brief discussion, it was decided that the matter would be deferred to a future Commission meeting.

D. Parking Passes

The status on the request for more permanent parking passes for the Commissioners was brought up. The staff is still working on obtaining the passes.

V. Correspondence and Announcements

There were no correspondence or announcements.

Commissioner Clifton identified the items that would be brought up in the Executive Session with the Commission's legal counsel as: (a) questions and issues concerning the rules and procedures that the Committee on Rules and Procedures is formulating with the aid and advice of the Commission's legal counsel; (b) legal questions regarding the selection of the Commission's Chairperson; and (c) any legal questions the Commissioners may have concerning the subject of single and multi-member districts.

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission

Page 4

Commissioner David Rae moved that the meeting go into recess and convene in Executive Session. Commissioner Kenneth Lum seconded the motion.

The motion was unanimously approved to recess. Recessed at 2:21 p.m.

VI. Executive Session

The Commission went into Executive Session to cover the items previously identified by Commissioner Clifton.

VII. Reconvene Meeting

Commissioner Clifton reconvened the meeting at 3:45 p.m.

Commissioner Clifton reported to the public that during the Executive Session, the Commissioners discussed with the Commission's legal counsel certain issues pertaining to the Commission's rules and procedures and to the process of selecting a Chairperson. There were no decisions or motions made, and there were no specific names discussed. The discussions related to the process and the desire to proceed with the process in a lawful fashion.

The Committee on Rules and Procedures stated that they did not have anything further to report at this time. They would like to review the matters that were discussed in Executive Session.

The Committee on the Selection of a Chairperson stated that they had a list of several potential candidates that they would like to take the next 24 hours to contact and ask if they are available and willing to serve as the Commission's Chairperson. They suggested that the Commission reassemble tomorrow after they had contacted the potential candidates.

Commissioner Clifton suggested that the Commission recess and reconvene tomorrow to continue the process of selecting the Commission's Chairperson and formulating the Commission's rules and procedures.

Commissioner Kenneth Lum moved that the Commission recess the meeting until tomorrow at 1:00 p.m. Commissioner Deron Akiona seconded the motion. By a unanimous vote, the Commission decided to recess the meeting until Wednesday, May 30, 2001 at 1:00 p.m., in the Hawaii State Capitol, Room 329.

VII. Other Business

There was no other business.

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 5

VIII. Recess

With no further business, the meeting was recessed at 3:50 p.m. until 1:00 p.m., May 30, 2001.

IX. Reconvene

On Wednesday, May 30, 2001, Temporary Chairperson, Commissioner Richard Clifton, reconvened the Second Regular Meeting of the 2001 Reapportionment Commission at 1:09 p.m.

A. Committee on Selection of a Chairperson

Commissioner Lori Hoo reported that the Committee would like to present a nominee to the rest of the Commission. Commissioner Hoo stated that the Committee would like to nominate Mr. Wayne Minami as the ninth member and Chairperson of the 2001 Reapportionment Commission.

Commissioner Clifton, to correctly identify Mr. Minami, gave a brief background on him. Commissioner Clifton noted that Mr. Minami recently retired as CEO of American Savings Bank, had previously served as Attorney General of the State of Hawaii and had also served as the State's director of regulatory agencies some years ago. Commissioner Hoo affirmed Commissioner Clifton's summary of Mr. Minami's accomplishments and qualifications.

Commissioner Hoo's nomination was taken in the form of a motion and Commissioner Clifton asked for a second to the nomination. Commissioner Deron Akiona seconded the nomination.

In discussion, Commissioner David Rae asked if Mr. Minami had been contacted and asked if he would be willing to serve. Commissioner Hoo responded in the affirmative. The public in attendance was asked if they had anything they would like to discuss and if there were any comments. No member of the public had any questions or comments.

Commissioner Clifton called for a vote on the motion to select Mr. Wayne Minami as the ninth member and Chairperson of the 2001 Reapportionment Commission. By a unanimous vote, the Commissioners selected Mr. Minami as the ninth member and Chairperson of the Commission.

Commissioner Harold Masumoto asked to take something out of order. Commissioner Masumoto suggested that the Commission have a Vice-Chairperson as was done in the past. Commissioner Masumoto nominated Commissioner Clifton as Vice-Chairperson of the 2001 Reapportionment Commission. Commissioner Rae seconded the nomination. There being no other nominations or discussion, by a

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission

Page 6

unanimous vote, Commissioner Clifton was elected to be the Vice-Chairperson of the Commission.

As he would be away next week and since something might occur that necessitated Commission action before Mr. Minami was available and could appear at a meeting. Vice-Chairperson Clifton asked Commissioner Masumoto to act as Temporary Chairperson. There being no disagreement with this request, Commissioner Masumoto agreed to act as Temporary Chairperson in the event that Chairperson Minami and Vice-Chairperson Clifton were not present.

B. Committee on Rules and Procedures

Commissioner Rae reported that the Committee has been considering a draft of rules to put forward and asked the Commission's legal counsel to highlight a sense of the draft rules. The Committee has discussed the draft rules and feel that they reflect the Commission's desire to be as inclusive as possible both with the public and in terms of the members' discussions.

Commissioner Rae made clear that the Committee is not proposing to adopt the draft rules until they have the Chairperson's input on them. However, the Committee proposed that the Commission operate under the draft rules, subject to final adoption.

Mr. Brian Aburano, Deputy Attorney General, highlighted the sense of the draft rules that were under consideration by the Committee on Rules and Procedures:

The draft rules are based largely upon the rules that the 1991 Reapportionment Commission operated under. The basic sections of the draft rules are:

1. General Provisions: The draft rules are to be adopted under and pursuant to Article 4, Section 2 of the Constitution of the State of Hawaii and Chapter 25 of the Hawaii Revised Statutes. Both of which provide that the Commission is to establish rules of practice and procedures for itself.
2. General Information: The draft rules state that the Commission's office is located at the State Capitol, Room 411. The proposed hours of the Commission's office are 7:45 a.m. – 4:30 p.m. weekdays, except for state holidays and unless otherwise provided by statute or executive order.
3. Public Records: The draft rules propose that the Commission's records will be available for public inspection and copying only to the extent required under the Public Records Act, Hawaii Revised Statutes, Chapter 92F, which outlines certain limitations.

The draft rules provide that the Commission's records will be available for public inspection and copying at the Commission's office. Information may be

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 7

obtained with respect to public records by submitting a written request to the Commission office. We still have under consideration whether or not the Commission will accept requests for information beyond this.

The draft rules propose to charge for the cost of copying public records. The draft rules propose that the Commission will charge: \$0.25 per page for photocopying; the actual cost for materials that have to be sent to an outside vendor; and costs for searching, reviewing and segregating records as provided by certain Hawaii administrative rules.

4. Commission Meetings: The draft rules provide that the Commission's Chairperson or a quorum of the Commission may call meetings. There are provisions for videoconference meetings. Telephone participation in Commission meetings is still under discussion and no decisions have been made on that subject. The draft rules state that notices of Commission meetings will be filed and posted at least six (6) days in advance except for certain types of emergency meetings. The draft rules state that the notices will be filed with the Lieutenant Governor's office and posted at the Commission's office. The notices are to include an agenda. There are provisions for not allowing considerations of matters at Commission meetings if such matters are not on the agenda, except where the Commission by a two-thirds vote changes the agenda.

Other Meeting Provisions:

- Emergency meetings. The draft rules allow for emergency meetings if there is an unanticipated event.
- Executive meetings. The draft rules allow for executive meetings or sessions closed to the public. The draft rules require a two-thirds vote in public session in order to hold an executive meeting or session. The purpose of the executive meeting or session is to be publicly announced.
- Private interactions. The draft rules provide that certain types of interactions among the Commission members will not constitute "meetings" of the Commission. For such interactions, the requirements of a public meeting, notice and minutes would not apply. The setting up of investigative committees to do some of the work of the Commission could be undertaken through such interactions.
- Public comment. Under the draft rules, the public would be entitled to submit any written statements and data to the Commission. In addition, time would be afforded to people who are interested in presenting public testimony on agenda items at Commission meetings. However, the opportunity to present public testimony would be subject to certain types of rules such as time constraints.
- Written record of Commission meetings. Under the draft rules, a written record would be kept of Commission meetings, including: the date, time and place of the meetings; the members of the Commission that are

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 8

present or absent; the substance of the matters proposed, discussed or decided; and a record of who voted on such matters.

5. Public Hearings: Once the Commission develops a proposed plan of reapportionment, the Constitution and Hawaii Revised Statutes, Chapter 25, provides for at least one public hearing to be held on each of the basic island units. The draft rules covering such hearings are very similar to the rules that were in place in 1991.
6. Outline of Duties: The draft rules outline the duties of the Commission's Chairperson, Vice-Chairperson, and Secretary. They also outline the general powers of the Commission such as the power to require people to provide documents or present testimony to the Commission.
7. Roberts Rules of Order: The Commission was advised to consider whether Roberts Rules of Order should be used as a guideline for Commission meetings rather than making them mandatory.
8. Commission Decisions: The draft rules provide that Commission decisions, except as otherwise provided by the Constitution or statutes, would be by majority rule and that a quorum of the Commission would be required to be present in order to make any action of the Commission valid.
9. Apportionment Advisory Council: The deputy attorney general indicated that the Commission should discuss the duties and functions of the apportionment advisory councils. The draft rules provide some limited rules for the apportionment advisory councils such as: providing for public meetings of the councils, stating who can preside over meetings, and establishing voting and quorum requirements. The draft rules also provide for the apportionment councils to be able to make additional rules for themselves subject to the approval of the Commission.

A final draft of the rules will be presented for the further consideration of the Commission when the Chairperson is present. The Committee wanted the public to know that there is work in progress on the rules and that guidelines were being provided to the Commission's staff in terms of public documents and other matters.

Vice-Chairperson Clifton made clear that the consensus of the Commission was that the meeting of the Commission would be generally open to the public, that members of the public be able to become aware of what the Commission was dealing with, and to comment at the appropriate times upon the Commission's work.

Vice-Chairperson Clifton noted that there have been discussions of a proposed Commission web site. If all goes well, the raw materials that are needed to analyze potential plans would be available through the web site. It is the Commission's

Minutes of the Second Regular Meeting of the 2001 Reapportionment Commission
Page 9

desire to make known to the public what is going on with the project in order to have the public's confidence in the end result.

X. Setting of Next Meeting

It was brought to the attention of the Commission that although they need to consider the schedule of Mr. Minami, they should set a time and date for the next Commission meeting. The Commission's staff can then confirm with Mr. Minami as to his availability for that time and date. It was stated that if there were any changes to the time and date of the next meeting, the public would be notified.

By consensus, the Commission members agreed to hold the next Commission meeting on Thursday, June 14, 2001 at 2:00 p.m. subject to change in consideration to Mr. Minami's schedule. The meeting will be held at the State Capitol, Room 329.

With no other business to discuss, Vice-Chairperson Clifton adjourned the Second Regular Meeting at 1:28 p.m.

Respectfully submitted,

Dwayne D. Yoshina
Chief Election Officer
Secretary of the
2001 Reapportionment Commission